

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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| ACRYLICON INTERNATIONAL, LTD., | : | |
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| | : | |
| Plaintiff, | : | |
| | : | CIVIL ACTION NO. |
| vs. | : | |
| | : | 1:08-CV-0119-CC |
| SILIKAL-AMERICA, INC.; SILIKAL USA, INC.; SILIKAL GMBH & CO.; PMM AMERICA, INC.; HUNDT INDUSTRIAL, LLC; CHRISTOPHER HUNDT; ANDREW MILLS; and PAUL SONDERMAN, | : | |
| | : | |
| Defendants. | : | |

ORDER

Insofar as the Court has determined that a factual dispute exists in the record regarding whether Klaus Huenermann was authorized to accept service of process on behalf of Silikal GmbH & Co. ("Silikal Germany"), the Court finds that an evidentiary hearing is necessary for the Court to resolve several of the motions pending in this case, including the following: (1) Acrylicon's Motion for Entry of Injunction Against Defendant Silikal Germany After its Default [Doc. No. 126]; (2) Acrylicon's Motion for Entry of Damages Judgment After Default Against Defendant Silikal Germany [Doc. No. 132]; (3) Defendant Silikal GmbH's Motion to Dismiss Plaintiff's Verified Amended Complaint, or, in the Alternative, to Quash Plaintiff's Purported Service of Process [Doc. No. 142]; (4) Defendant Silikal GmbH's Motion to Set Aside Entry of Default [Doc. No. 143]; (5) Emergency Motion for Extension of Time for Defendant Silikal GmbH to Respond to Plaintiff's Verified Amended Complaint [Doc. No. 152]; and (6) Plaintiff Acrylicon's Motion to Strike Silikal Germany's Untimely Answer and Affirmative Defenses [Doc. No. 165]. Accordingly, the Court **ORDERS** that an evidentiary hearing shall be held on the

issue of Klaus Huenermann's authorization to accept service of process on behalf of Silikal Germany on **Tuesday, September 22, 2009, at 9:30 am in Courtroom 1706.**

Between the date of this Order and the date of the evidentiary hearing, Plaintiff Acrylicon International, Ltd. ("Acrylicon") shall be permitted to conduct limited discovery on this issue, including taking the deposition of Silikal Germany's 30(b)(6) representative.¹ The Court further **ORDERS** that Silikal Germany respond to all written discovery requests previously propounded by Acrylicon relevant to the aforementioned issue within fifteen (15) days from the date of this Order.

Finally, inasmuch as Silikal Germany acknowledges that service of process was properly effected on April 15, 2009, irrespective of whether service of process was properly effected previously, the Court **DIRECTS** Acrylicon and Silikal Germany to confer in good faith regarding whether the aforementioned motions may be resolved by stipulation to obviate the need for the evidentiary hearing and expedited international discovery mentioned above. If Acrylicon and Silikal Germany are able to resolve the motions by stipulation, as the Court strongly urges, the Court **DIRECTS** Acrylicon and Silikal Germany to so advise the Court in writing by **Thursday, August 20, 2009.**

SO ORDERED this 13th day of August, 2009.

s/ CLARENCE COOPER

CLARENCE COOPER
UNITED STATES DISTRICT JUDGE

¹ Said deposition may be a "full merits" deposition by agreement of the parties.